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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed December 19, 2005. In the Office Action, the Examiner notes that claims 8-21 are pending of which claims 8-21 stand rejected. By this response, claims 8 and 16 are amended.

In view of the foregoing amendments and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §103. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

REJECTIONS

35 U.S.C. §103

Claims 8-21

The Examiner has rejected claims 8-21 under 35 U.S.C. §103(a) as being unpatentable over Day et al. (U.S. Pat. 5,996,015, hereinafter "Day") in view of DeMoney (U.S. Patent 6,065,050, hereinafter "DeMoney") and Katinsky et al. (U.S. Pat. 6,452,609, hereinafter "Katinsky"). The Applicants respectfully disagree.

The present invention is directed towards reducing latency of video on demand (VOD) systems. As discussed in previous response, such latency is reduced by careful construction of content streams, by ensuring that the stream controller has continuous access to the playlist and by utilizing subscriber-side latency masking techniques (See, page 13, line 29 to page 14, line 2). The currently amended claims further include the limitations of "said server controller continuously accessing said playlist, and said subscriber equipment utilizing subscriber-side latency masking techniques."

The Examiner asserts that Day discloses continuously accessing the playlist and subscriber side masking of latency in column 6, lines 36-64. However, Day does not

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disclose, teach or suggest said server controller continuously accessing said playlist or subscriber equipment utilizing subscriber-side latency masking techniques. Day merely teaches the need for the "commonization" process to insure all the selected video include the same operating characteristics, and the creation of a seamless data stream.

Specifically, Day discloses accessing the playlist. However, Day is silent on the frequency of the accessing. Day does not disclose, teach or suggest how frequently the playlist is accessed. Just because it accesses the playlist to determine when the next clip needs to be retrieved does not imply it is continuously accessing the play list. Day only needs to access the playlist during the predetermined points of the segments to provide seamless and continuous flow of data. Therefore, it is unnecessary for Day to access continuously the playlist.

Moreover, Day does not disclose, teach or suggest subscriber-side masking of latency. Subscriber-side masking of latency involves techniques utilized by the subscriber side equipment to hide the fact that the data stream arriving is late. An example is fading the current image to a predefined image and fading to a predefined sound until the new data stream arrives where the set top terminal will fade the predefined image and sound to the new image and sound. Day's method prevents subscriber-side latency from the server side, thus subscriber-side masking is unnecessary because there is no latency at the subscriber equipment in Day. Therefore, Day does not use subscriber-side latency masking techniques.

DeMoney discloses an efficient index table having two-tuples for use with trick play streams. DeMoney does not disclose, teach or suggest "said server controller continuously accessing said playlist, and subscriber equipment utilizing subscriber-side latency masking techniques."

Katinsky discloses a user friendly media player at the user terminal using "pageless" internet site where media streams are delivered to the user without the user having to navigate to different pages. The user manipulates the media icon to create a playlist of media objects. The sequencer allows the user to select media icons from the media icon panel, and to create and modify one or more user-defined playlists. Katinsky does not disclose, teach or suggest "said server controller continuously

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accessing said playlist, and subscriber equipment utilizing subscriber-side latency masking techniques."

Day, DeMoney or Katinsky, singly or in combination, does not disclose at least "said server controller continuously accessing said playlist, and subscriber equipment utilizing subscriber-side latency masking techniques." For at least the above reasons, Applicants submit that independent claims 8 and 16 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, claims 9-15 and 17-21 depend, either directly or indirectly, from independent claims 8 and 16 and recite additional features thereof. As such, and at least for the same reasons as discussed above, Applicants submit that these dependent claims also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicants respectfully request that the rejections be withdrawn.

CONCLUSION

Thus, Applicants submit that all of the claims presently in the application are non-obvious and patentable under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at 732-530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 2/28/06

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